

AO 257 (Rev. 6/78)

**DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT**
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT  
☐ SUPERSEDING
**OFFENSE CHARGED**

SEE ATTACHED.

- ☐
- Petty
- 
- ☐
- Minor
- 
- ☐
- Misdemeanor
- 
- ☒
- Felony

PENALTY: SEE ATTACHED.

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION **AUG - 6 2020****DEFENDANT - U.S.**
**FILED**  
 SUSAN Y. SOONG  
 CLERK, U.S. DISTRICT COURT  
 NORTH DISTRICT OF CALIFORNIA

JOSE IGNACIO OCHOA AKA "DIVER"

DISTRICT COURT NUMBER

**JSW****CR 20 0317****PROCEEDING**

Name of Complainant Agency, or Person (&amp; Title, if any)

FBI

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSE

SHOW DOCKET NO.

☐ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person

Furnishing Information on this form DAVID L. ANDERSON
☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned)

Samantha Schott Bennett**IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

- 1)
- ☒
- If not detained give date any prior summons was served on above charges
- 
- 
- 2)
- ☐
- Is a Fugitive
- 
- 3)
- ☐
- Is on Bail or Release from (show District)
- 

**IS IN CUSTODY**

- 4)
- ☐
- On this
- 
- 
- 5)
- ☐
- On another conviction }
- ☐
- Federal
- ☐
- State
- 
- 6)
- ☐
- Awaiting trial on other charges
- 
- If answer to (6) is "Yes", show name of institution
- 

 Has detainer been filed? ☐ Yes ☐ No

 If "Yes" give date filed                     

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency &amp; Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted
**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**
☐ SUMMONS ☐ NO PROCESS\* ☒ WARRANT
Bail Amount: NO BAIL

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

Date/Time:                     Before Judge:                     

Comments:

\* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

**PENALTY SHEET FOR JOSE IGNACIO OCHOA, aka "DIVER"**

**FILED**

**AUG - 6 2020**

SUSAN Y. SOONG  
CLERK, U.S. DISTRICT COURT  
NORTH DISTRICT OF CALIFORNIA

**Count One: Possession with Intent to Distribute Cocaine, 21 U.S.C. §§ 841(a)(1) and (b)(1)(B)(ii)**

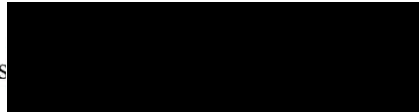
Maximum term of imprisonment: 40 years  
Mandatory minimum term of imprisonment: 5 years  
Maximum term of supervised release: Life  
Mandatory minimum term of supervised release: 4 years  
Maximum fine: \$5,000,000  
Mandatory special assessment: \$100  
Forfeiture  
Denial of federal benefits

**CR 20 - 0317**

**JSW**

**Count Two: Possession with Intent to Distribute Heroin, 21 U.S.C. §§ 841(a)(1) and (b)(1)(B)(i)**

Maximum term of imprisonment: 40 years  
Mandatory minimum term of imprisonment: 5 years  
Maximum term of supervised release: Life  
Mandatory minimum term of supervised release: 4 years  
Maximum fine: \$5,000,000  
Mandatory special assessment: \$100  
Forfeiture  
Denial of federal benefits



**Count Three: Possession with Intent to Distribute Methamphetamine, 21 U.S.C. §§ 841(a)(1) and (b)(1)(B)(viii)**

Maximum term of imprisonment: 40 years  
Mandatory minimum term of imprisonment: 5 years  
Maximum term of supervised release: Life  
Mandatory minimum term of supervised release: 4 years  
Maximum fine: \$5,000,000  
Mandatory special assessment: \$100  
Forfeiture  
Denial of federal benefits

**Count Four: Possession with Intent to Distribute Fentanyl, 21 U.S.C. §§ 841(a)(1) and (b)(1)(C)**

Maximum term of imprisonment: 20 years  
Maximum term of supervised release: Life  
Mandatory minimum term of supervised release: 3 years

Maximum fine: \$1,000,000  
Mandatory special assessment: \$100  
Forfeiture  
Denial of federal benefits

**FILED**  
**AUG -6 2020**  
SUSAN Y. SOONG  
CLERK, U.S. DISTRICT COURT  
NORTH DISTRICT OF CALIFORNIA

**Count Five: Possession of a Firearm in Furtherance of a Drug Trafficking Crime, 18 U.S.C.**

**§ 924(c)(1)(A)(i)**

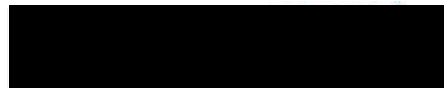
Maximum term of imprisonment: Life  
Mandatory minimum term of imprisonment: 5 years  
Maximum term of supervised release: 5 years  
Maximum fine: \$250,000  
Mandatory special assessment: \$100  
Forfeiture

**CR 20 - 0317**

**JSW**

**Count Six: Felon in Possession of a Firearm and Ammunition, 18 U.S.C. § 922(g)(1)**

Maximum term of imprisonment: 10 years  
Maximum term of supervised release: 3 years  
Maximum fine: \$250,000  
Mandatory special assessment: \$100  
Forfeiture



FILED

AUG -6 2020

SUSAN Y. SOONG  
CLERK, U.S. DISTRICT COURT  
NORTH DISTRICT OF CALIFORNIA

# United States District Court

FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

VENUE: Oakland

UNITED STATES OF AMERICA,

V.

JOSE IGNACIO OCHOA,  
aka "Diver,"

JSW

CR 20 - 0317

DEFENDANT. 

INDICTMENT


21 U.S.C. §§ 841(a)(1) and (b)(1)(B)(ii) – Possession with Intent to Distribute Cocaine;  
21 U.S.C. §§ 841(a)(1) and (b)(1)(B)(i) – Possession with Intent to Distribute Heroin;  
21 U.S.C. §§ 841(a)(1) and (b)(1)(B)(viii) – Possession with Intent to Distribute Methamphetamine;  
21 U.S.C. §§ 841(a)(1) and (b)(1)(C) – Possession with Intent to Distribute Fentanyl;  
18 U.S.C. § 924(c)(1)(A)(i) – Possession of a Firearm in Furtherance of a Drug Trafficking Crime;  
18 U.S.C. § 922(g)(1) – Felon in Possession of a Firearm and Ammunition;  
21 U.S.C. § 853, 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c) – Forfeiture Allegations

A true bill.

/s/ Foreperson of the Grand Jury

Foreman

Filed in open court this 6th day of  
August, 2020

  
Magistrate Judge van Keulen

Clerk

Bail, \$ No Bail

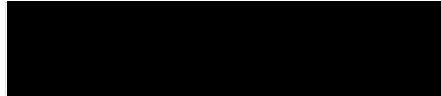


**FILED**

**AUG -6 2020**

SUSAN Y. SOONG  
CLERK, U.S. DISTRICT COURT  
NORTH DISTRICT OF CALIFORNIA

DAVID L. ANDERSON (CABN 149604)  
United States Attorney



UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

**JSW**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE IGNACIO OCHOA,  
aka "Diver,"

Defendant.

CASE NO.

VIOLATIONS:

21 U.S.C. §§ 841(a)(1) and (b)(1)(B)(ii) – Possession  
with Intent to Distribute Cocaine;  
21 U.S.C. §§ 841(a)(1) and (b)(1)(B)(i) – Possession  
with Intent to Distribute Heroin;  
21 U.S.C. §§ 841(a)(1) and (b)(1)(B)(viii) –  
Possession with Intent to Distribute  
Methamphetamine;  
21 U.S.C. §§ 841(a)(1) and (b)(1)(C) – Possession  
with Intent to Distribute Fentanyl;  
18 U.S.C. § 924(c)(1)(A)(i) – Possession of a Firearm  
in Furtherance of a Drug Trafficking Crime;  
18 U.S.C. § 922(g)(1) – Felon in Possession of a  
Firearm and Ammunition;  
21 U.S.C. § 853, 18 U.S.C. § 924(d) and 28 U.S.C. §  
2461(c) – Forfeiture Allegations

INDICTMENT

The Grand Jury charges:

COUNT ONE: (21 U.S.C. §§ 841(a)(1) and (b)(1)(B)(ii) – Possession with Intent to Distribute Cocaine)

On or about June 12, 2019, in the Northern District of California, the defendant,

JOSE IGNACIO OCHOA,  
aka "Diver,"

INDICTMENT

1 did knowingly and intentionally possess with intent to distribute 500 grams and more of a mixture and  
2 substance containing a detectable amount of cocaine, its salts, optical and geometric isomers, and salts  
3 of its isomers, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections  
4 841(a)(1) and (b)(1)(B)(ii).

5  
6 COUNT TWO: (21 U.S.C. §§ 841(a)(1) and (b)(1)(B)(i) – Possession with Intent to Distribute  
7 Heroin)

8 On or about June 12, 2019, in the Northern District of California, the defendant,

9 JOSE IGNACIO OCHOA,  
10 aka “Diver,”

11 did knowingly and intentionally possess with intent to distribute 100 grams and more of a mixture and  
12 substance containing a detectable amount of heroin, a Schedule I controlled substance, in violation of  
13 Title 21, United States Code, Sections 841(a)(1) and (b)(1)(B)(i).

14  
15 COUNT THREE: (21 U.S.C. §§ 841(a)(1) and (b)(1)(B)(viii) – Possession with Intent to Distribute  
16 Methamphetamine)

17 On or about June 12, 2019, in the Northern District of California, the defendant,

18 JOSE IGNACIO OCHOA,  
19 aka “Diver,”

20 did knowingly and intentionally possess with intent to distribute 50 grams and more of a mixture and  
21 substance containing a detectable amount of methamphetamine, its salts, isomers, and salts of its  
22 isomers, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections  
23 841(a)(1) and (b)(1)(B)(viii).

24 COUNT FOUR: (21 U.S.C. §§ 841(a)(1) and (b)(1)(C) – Possession with Intent to Distribute  
25 Fentanyl)

26 On or about June 12, 2019, in the Northern District of California, the defendant,

27 JOSE IGNACIO OCHOA,  
28 aka “Diver,”

1 did knowingly and intentionally possess with intent to distribute a mixture and substance containing a  
 2 detectable amount of fentanyl, a Schedule II controlled substance, in violation of Title 21, United States  
 3 Code, Sections 841(a)(1) and (b)(1)(C).

4  
 5 COUNT FIVE: (18 U.S.C. § 924(c)(1)(A)(i) – Possession of a Firearm in Furtherance of a Drug  
 6 Trafficking Crime)

7 On or about June 12, 2019, in the Northern District of California, the defendant,

8 JOSE IGNACIO OCHOA,  
 9 aka “Diver,”

10 did knowingly possess a firearm, namely, a Ruger Security-Six .357 magnum revolver, bearing serial  
 11 number 157-48147, in furtherance of the drug trafficking crimes charged in Counts One through Four of  
 12 this Indictment, all in violation of Title 18, United States Code, Section 924(c)(1)(A)(i).

13  
 14 COUNT SIX: (18 U.S.C. § 922(g)(1) – Felon in Possession of a Firearm and Ammunition)

15 On or about June 12, 2019, in the Northern District of California, the defendant,

16 JOSE IGNACIO OCHOA,  
 17 aka “Diver,”

18 knowing he had previously been convicted of a crime punishable by imprisonment for a term exceeding  
 19 one year, knowingly possessed a firearm, namely, one Ruger Security-Six .357 magnum revolver,  
 20 bearing serial number 157-48147, loaded with ammunition, namely, six rounds of Hornaday  
 21 ammunition, and the firearm and ammunition were in and affecting interstate and foreign commerce, all  
 22 in violation of Title 18, United States Code, Section 922(g)(1).

23  
 24 FIRST FORFEITURE ALLEGATION: (21 U.S.C. § 853(a))

25 The allegations contained above are hereby re-alleged and incorporated by reference for the  
 26 purpose of alleging forfeiture pursuant to Title 21, United States Code, Section 853(a).

27 Upon conviction of any of the offenses alleged in Counts One through Four above, the  
 28 defendant,



JOSE IGNACIO OCHOA,  
aka "Diver,"

shall forfeit to the United States all right, title, and interest in any property constituting and derived from any proceeds defendant obtained, directly or indirectly, as a result of such violations, and any property used, or intended to be used, in any manner or part, to commit or to facilitate the commission of such violations.

If any of the property described above, as a result of any act or omission of the defendant:

- a. cannot be located upon exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p).

All pursuant to Title 21, United States Code, Section 853, and Federal Rule of Criminal Procedure 32.2.

**SECOND FORFEITURE ALLEGATION:** (18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c))

The allegations contained in this Indictment are re-alleged and incorporated by reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 924(d) and Title 28, United States Code, Section 2461(c).

Upon conviction of the offense set forth in Counts Five and Six, the defendant,

JOSE IGNACIO OCHOA,  
aka "Diver,"

shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924(d) and Title 28, United States Code, Section 2461(c), any firearm and ammunition involved in the commission of the offense, including, but not limited to, the following property:



- 1           a.     one Ruger Security-Six .357 magnum revolver, bearing serial number 157-48147;  
2                     and  
3           b.     six rounds of Hornaday ammunition.

4           If any of the property described above, as a result of any act or omission of the defendant:

- 5           a.     cannot be located upon exercise of due diligence;  
6           b.     has been transferred or sold to, or deposited with, a third party;  
7           c.     has been placed beyond the jurisdiction of the court;  
8           d.     has been substantially diminished in value; or  
9           e.     has been commingled with other property which cannot be divided without  
10                     difficulty,

11 the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21,  
12 United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

13           All pursuant to Title 18, United States Code, Section 924(d), Title 28, United States Code,  
14 Section 2461(c), and Federal Rule of Criminal Procedure 32.2.

15  
16 DATED: August 6, 2020

A TRUE BILL.

17  
18                     /s/  
19                     \_\_\_\_\_  
20                     FOREPERSON

21 DAVID L. ANDERSON  
22 United States Attorney

*Samantha Schott Bennett*

23 SAMANTHA SCHOTT BENNETT  
24 JONATHAN U. LEE  
25 Assistant United States Attorneys  
26  
27  
28